

# EXHIBIT B

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE NORTHERN DISTRICT OF OHIO  
3                   EASTERN DIVISION

4                   - - -

5  
6           IN RE:   NATIONAL                                 :   MDL NO. 2804  
7           PRESCRIPTION OPIATE                             :  
8           LITIGATION                                       :  
9   :  
10   :

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11           THIS DOCUMENT RELATES TO                     :   CASE NO.  
12           ALL CASES                                       :   1:17-MD-2804  
13   :  
14   :   Hon. Dan A.  
15   :   Polster

16                   - - -

17                   February 8, 2019

18                   - - -

19                   HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
20                   CONFIDENTIALITY REVIEW

21  
22                   Continued videotaped deposition  
23                   of CHRISTOPHER ZIMMERMAN taken pursuant to notice,  
24                   was held at the law offices of Reed Smith LLP, Three  
25                   Logan Square, 1717 Arch Street, Suite 3100,  
26                   Philadelphia, Pennsylvania, beginning at 1:44  
27                   p.m., on the above date, before Ann Marie  
28                   Mitchell, a Federally Approved Certified Realtime  
29                   Reporter, Registered Diplomat Reporter,  
30                   Registered Merit Reporter and Notary Public.

31                   - - -

32                   - - -  
33                   GOLKOW LITIGATION SERVICES  
34                   877.370.3377 ph | 917.591.5672 fax  
35                   deps@golkow.com

<p style="text-align: right;">Page 10</p> <p style="text-align: center;">- - - DEPOSITION SUPPORT INDEX - - -</p> <p>Direction to Witness Not to Answer</p> <p style="text-align: center;">Page Line</p> <p>Request for Production of Documents</p> <p style="text-align: center;">Page Line</p> <p>Stipulations</p> <p style="text-align: center;">Page Line</p> <p>Question Marked</p> <p style="text-align: center;">Page Line</p>	<p style="text-align: right;">Page 12</p> <p>1 My name is Mark Pifko. We met some months ago</p> <p>2 when I deposed you before.</p> <p>3 Do you recall?</p> <p>4 A. Yes, I do.</p> <p>5 Q. Okay. So the court reporter has</p> <p>6 just placed you under oath. It's the same oath</p> <p>7 you took when you were deposed before.</p> <p>8 Understood?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And that means that if</p> <p>11 you're untruthful or intentionally misleading or</p> <p>12 dishonest in some way, you could be subject to</p> <p>13 penalties from the court.</p> <p>14 Do you understand that?</p> <p>15 A. Yes.</p> <p>16 Q. Do you intend to provide truthful</p> <p>17 and accurate testimony today?</p> <p>18 A. I do.</p> <p>19 Q. Are you undergoing any medical</p> <p>20 treatment or suffering from any condition that</p> <p>21 would inhibit your ability to provide truthful</p> <p>22 and accurate testimony today?</p> <p>23 A. No.</p> <p>24 Q. Is there any reason that you can</p>
<p style="text-align: right;">Page 11</p> <p>1 THE VIDEOGRAPHER: We're now on</p> <p>2 the record. My name is David Lane,</p> <p>3 videographer for Golkow Litigation</p> <p>4 Services. Today's date is February 8,</p> <p>5 2019. Our time is 1:44 p.m.</p> <p>6 This deposition is taking place</p> <p>7 in Philadelphia, Pennsylvania in the</p> <p>8 matter of the National Prescription</p> <p>9 Opiate Litigation, MDL.</p> <p>10 Our deponent today is Chris</p> <p>11 Zimmerman. Counsel will be noted on the</p> <p>12 stenographic record.</p> <p>13 Our court reporter today is Ann</p> <p>14 Marie Mitchell and will now swear in our</p> <p>15 witness.</p> <p>16 - - -</p> <p>17 CHRISTOPHER ZIMMERMAN, after</p> <p>18 having been duly sworn, was examined and</p> <p>19 testified as follows:</p> <p>20 - - -</p> <p>21 EXAMINATION</p> <p>22 - - -</p> <p>23 BY MR. PIFKO:</p> <p>24 Q. Good afternoon, Mr. Zimmerman.</p>	<p style="text-align: right;">Page 13</p> <p>1 state as far as why this deposition should not go</p> <p>2 forward?</p> <p>3 A. No.</p> <p>4 Q. All right. The -- 2007</p> <p>5 AmerisourceBergen entered into a settlement</p> <p>6 agreement with the DEA. Correct?</p> <p>7 A. Yes.</p> <p>8 Q. And prior to that, there was an</p> <p>9 order to show cause that was sent to</p> <p>10 AmerisourceBergen. Correct?</p> <p>11 A. Correct.</p> <p>12 Q. And you're familiar with the</p> <p>13 order to show cause?</p> <p>14 A. I know we got an order to show</p> <p>15 cause, yes.</p> <p>16 Q. Okay. You were the top person</p> <p>17 with respect to diversion control at the time.</p> <p>18 Correct?</p> <p>19 A. I was in charge of regulatory --</p> <p>20 corporate security and regulatory affairs is the</p> <p>21 department I was responsible for.</p> <p>22 Q. But diversion control was under</p> <p>23 your authority. Correct?</p> <p>24 A. That aspect would be one of the</p>

<p style="text-align: right;">Page 14</p> <p>1 aspects under my control, yes.</p> <p>2 Q. And to this day, it's still --</p> <p>3 diversion control is something that's underneath</p> <p>4 your purview. Correct?</p> <p>5 A. Correct.</p> <p>6 Q. And you're the top person with</p> <p>7 respect to diversion control issues. Correct?</p> <p>8 A. I'm the top person in charge of</p> <p>9 that department that diversion control reports up</p> <p>10 to, yes.</p> <p>11 Q. I understand you have other</p> <p>12 responsibilities as well. Correct?</p> <p>13 A. Yes. I have dedicated people</p> <p>14 underneath me responsible for diversion control</p> <p>15 as well.</p> <p>16 Q. So you are familiar with the</p> <p>17 order to show cause that was sent to</p> <p>18 AmerisourceBergen at that time. Correct?</p> <p>19 A. At that time, we had an order to</p> <p>20 show cause, yes.</p> <p>21 Q. Do you have an understanding</p> <p>22 about what specifically it was that led the DEA</p> <p>23 to suspend the registration of the Orlando</p> <p>24 facility?</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. One of the things that -- after</p> <p>2 the suspension order, AmerisourceBergen as part</p> <p>3 of the settlement agreement with the DEA</p> <p>4 undertook some changes to its diversion control</p> <p>5 policies and procedures. Correct?</p> <p>6 A. We made some enhancements and</p> <p>7 changes to the program. Correct.</p> <p>8 Q. Okay.</p> <p>9 A. At the request of DEA.</p> <p>10 Q. One of those changes was the</p> <p>11 initiation of a process by which</p> <p>12 AmerisourceBergen would not ship an order that it</p> <p>13 had deemed to be suspicious. Correct?</p> <p>14 A. That was part of the settlement</p> <p>15 agreement, yes.</p> <p>16 Q. Okay. That was not something the</p> <p>17 company was doing prior to that settlement</p> <p>18 agreement. Correct?</p> <p>19 A. Correct.</p> <p>20 Q. Are you aware that -- do you know</p> <p>21 who David May is?</p> <p>22 A. Yes.</p> <p>23 Q. He's someone who works for you.</p> <p>24 Correct?</p>
<p style="text-align: right;">Page 15</p> <p>1 MR. NICHOLAS: Object to the</p> <p>2 form.</p> <p>3 THE WITNESS: The -- my</p> <p>4 recollection, it had to do -- the order</p> <p>5 to show cause had to do with distribution</p> <p>6 of controlled substances and I believe</p> <p>7 possibly to an internet pharmacy. I'm</p> <p>8 not -- I don't recall specifically.</p> <p>9 BY MR. PIFKO:</p> <p>10 Q. Okay. What I'm trying to get at,</p> <p>11 though, is I understand you're -- well, I</p> <p>12 shouldn't assume that.</p> <p>13 What I'm trying to get at is,</p> <p>14 what specifically did the DEA contend that</p> <p>15 AmerisourceBergen did wrong that led it to</p> <p>16 suspend the registration of the Orlando facility?</p> <p>17 MR. NICHOLAS: Object to the</p> <p>18 form.</p> <p>19 THE WITNESS: I would need to --</p> <p>20 I don't recall exactly what was written</p> <p>21 in the order to show cause from 11 years</p> <p>22 ago. If I saw the document, I could</p> <p>23 refresh my memory.</p> <p>24 BY MR. PIFKO:</p>	<p style="text-align: right;">Page 17</p> <p>1 A. Correct.</p> <p>2 Q. He had a lengthy history with the</p> <p>3 DEA. Correct? Prior to joining</p> <p>4 AmerisourceBergen?</p> <p>5 A. Correct.</p> <p>6 Q. Are you aware that he was deposed</p> <p>7 in this case as well?</p> <p>8 A. Yes.</p> <p>9 Q. The day after your first</p> <p>10 deposition?</p> <p>11 A. Yes.</p> <p>12 Q. And he served as a 30(b)(6) for</p> <p>13 the company. Correct?</p> <p>14 A. I believe so. For a certain time</p> <p>15 period.</p> <p>16 Q. Okay, right. So you served as a</p> <p>17 30(b)(6) for certain issues, and he did as well.</p> <p>18 Correct?</p> <p>19 A. Correct.</p> <p>20 Q. And the distinction between you</p> <p>21 was that he provided testimony from a time period</p> <p>22 more recently than you did. Correct?</p> <p>23 A. Correct.</p> <p>24 Q. Do you remember the time period</p>

<p style="text-align: right;">Page 22</p> <p>1 contend that there is?</p> <p>2 MR. NICHOLAS: Object to the</p> <p>3 form, mischaracterizes the testimony,</p> <p>4 asked and answered, bickering.</p> <p>5 THE WITNESS: I don't know what</p> <p>6 the context of the discussion that you</p> <p>7 and Mr. May had and with him to --</p> <p>8 whatever comment he made, if he did. But</p> <p>9 my answer is, I'm not aware of the</p> <p>10 shipping requirement as stipulated in the</p> <p>11 federal regulations.</p> <p>12 BY MR. PIFKO:</p> <p>13 Q. If there is no requirement that</p> <p>14 you not ship an order that's deemed to be</p> <p>15 suspicious, why would the company have agreed to</p> <p>16 undertake such a requirement?</p> <p>17 A. Because that was part of our</p> <p>18 negotiations in order to get our registration</p> <p>19 reinstated, was to implement a program that</p> <p>20 halted orders that we deemed to be suspicious.</p> <p>21 Q. Why would you have to agree to</p> <p>22 something that's not in the regulations?</p> <p>23 MR. NICHOLAS: Object to the</p> <p>24 form.</p>	<p style="text-align: right;">Page 24</p> <p>1 law that they were asking you to do, to halt the</p> <p>2 shipment of orders that you had identified as</p> <p>3 suspicious?</p> <p>4 MR. NICHOLAS: Object to the</p> <p>5 form.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MR. PIFKO:</p> <p>8 Q. You did tell them that you</p> <p>9 thought that was wrong?</p> <p>10 A. During the negotiations, yes.</p> <p>11 Q. Okay. What specifically did you</p> <p>12 tell them?</p> <p>13 A. I told them that our requirement</p> <p>14 is to report suspicious orders, and the way we've</p> <p>15 been doing it for the previous 17 years was to</p> <p>16 report after the fact. And that has been the way</p> <p>17 we've been doing it for 17 years. We negotiated</p> <p>18 with DEA with the program in '98, which they were</p> <p>19 well aware that we were shipping the products --</p> <p>20 we were reporting them after we ship the</p> <p>21 products, and that was approved by DEA.</p> <p>22 So my previous negotiations with</p> <p>23 DEA, what the regulations state, there's no --</p> <p>24 nowhere that I could find that says you can't</p>
<p style="text-align: right;">Page 23</p> <p>1 THE WITNESS: It was the</p> <p>2 negotiation. That's what we agreed upon.</p> <p>3 BY MR. PIFKO:</p> <p>4 Q. It was something that the DEA</p> <p>5 asked you to agree to?</p> <p>6 A. Yes.</p> <p>7 Q. Did you tell the DEA they were</p> <p>8 wrong?</p> <p>9 MR. NICHOLAS: Object to the</p> <p>10 form.</p> <p>11 THE WITNESS: It was a part of</p> <p>12 the negotiation process of the areas that</p> <p>13 we would implement that would enhance our</p> <p>14 program. That was one of the items that</p> <p>15 we had discussed, in addition to others,</p> <p>16 was that we would not ship an order that</p> <p>17 we deemed to be suspicious.</p> <p>18 BY MR. PIFKO:</p> <p>19 Q. Were you one of the people who</p> <p>20 was negotiating the settlement agreement with the</p> <p>21 DEA?</p> <p>22 A. Yes.</p> <p>23 Q. And did you ever tell the DEA</p> <p>24 that you felt that wasn't a requirement under the</p>	<p style="text-align: right;">Page 25</p> <p>1 ship an order that has been reported as</p> <p>2 suspicious. In fact, it's the way it's been</p> <p>3 done.</p> <p>4 This was a change in the</p> <p>5 industry. No one else was stopping orders. We</p> <p>6 had never done it in the past. So again, that</p> <p>7 was my understanding.</p> <p>8 So in the negotiation process, I</p> <p>9 said, this is the way we've been doing it. This</p> <p>10 has been approved by DEA in the past. It's been</p> <p>11 inspected by DEA. Our -- DEA audits our</p> <p>12 distribution centers. And in all of our audits,</p> <p>13 they've never once said that you're not supposed</p> <p>14 to ship an order that you deem to be suspicious.</p> <p>15 So my -- that was my response into the</p> <p>16 negotiation was, I don't agree with that.</p> <p>17 Q. And what was their response when</p> <p>18 you said that?</p> <p>19 MR. NICHOLAS: Object to the</p> <p>20 form.</p> <p>21 THE WITNESS: I mean, do you want</p> <p>22 to go back and forth through the</p> <p>23 negotiations or -- I mean...</p> <p>24 BY MR. PIFKO:</p>

<p style="text-align: right;">Page 26</p> <p>1 Q. Well, I want you to tell me what 2 they said in response to you saying that to them. 3 MR. NICHOLAS: Same objection. 4 THE WITNESS: They disagreed at 5 that time. 6 BY MR. PIFKO: 7 Q. What did they say was the basis 8 for their disagreement? 9 MR. NICHOLAS: Object to the 10 form. 11 THE WITNESS: They wanted that 12 order not to be shipped if it's deemed to 13 be suspicious. I mean, that's what they 14 said. 15 BY MR. PIFKO: 16 Q. They didn't tell you why? 17 A. No. 18 Q. And you just ended up agreeing to 19 it? 20 MR. NICHOLAS: Object to the 21 form. 22 THE WITNESS: In order to -- as 23 part of the negotiation, that was an area 24 that we agreed upon in order to get our</p>	<p style="text-align: right;">Page 28</p> <p>1 to implement a program for all of our 2 drug company distribution centers. 3 BY MR. PIFKO: 4 Q. They wanted you to make changes 5 companywide. Correct? 6 A. They wanted us to implement the 7 program companywide, correct. 8 Q. And that's what you did. 9 Correct? 10 A. Yes. 11 Q. And the programs that you 12 implemented, those weren't specific to internet 13 pharmacies. Correct? 14 A. The program was -- regardless of 15 an internet pharmacy or not, I mean, if we 16 identified an order that we deemed to be 17 suspicious, we would not ship it and report it to 18 DEA. So it was an internet pharmacy, that would 19 apply. 20 And then we have an additional 21 due diligence process that was also negotiated -- 22 negotiated on the front end as well. 23 Q. But that was for a broad array of 24 customer types. Correct?</p>
<p style="text-align: right;">Page 27</p> <p>1 license reinstated in Orlando, yes. 2 BY MR. PIFKO: 3 Q. Did you agree to anything 4 specific related to internet pharmacies in the 5 settlement agreement in order to get your license 6 back or lift -- the suspension lifted at the 7 Orlando facility? 8 A. I don't recall. 9 Q. You don't believe there was 10 anything specific to internet pharmacies in the 11 settlement agreement? 12 A. I don't -- I don't recall. 13 Q. Okay. The changes that you made 14 in response to the settlement agreement with -- 15 that were made as a result of the suspension of 16 the Orlando facility, those were systemic 17 companywide changes. Correct? 18 MR. NICHOLAS: Object to the 19 form. 20 Go ahead. 21 THE WITNESS: Yes. Part of the 22 negotiation was that, even though it was 23 the Orlando distribution center's license 24 that was suspended, that they wanted us</p>	<p style="text-align: right;">Page 29</p> <p>1 A. Yeah, all retail pharmacies. All 2 pharmacies licensed as retail pharmacies. 3 Q. And the due diligence requirement 4 you're saying that you -- didn't apply, however, 5 to chain pharmacies. Correct? 6 MR. NICHOLAS: Object to the 7 form. 8 THE WITNESS: Part of our 9 negotiations was identifying the program 10 and what was -- what aspects it would 11 cover, would it include hospitals, 12 Department of Defense. Chains were 13 discussed. And part of the negotiation 14 was that it was determined that a chain 15 of ten or more stores would not be 16 included in the due diligence process, 17 still in the order monitoring process. 18 BY MR. PIFKO: 19 Q. This implementation of a shipping 20 requirement or an agreement not to ship an order 21 that had been identified as suspicious, that 22 applied regardless of the customer type. 23 Correct? 24 A. Correct.</p>